

REMARKS

By the present amendment, Applicant has amended Claims 12 and 13 and has added claim 17. Claims 12-17 remain pending in the present application. Claim 12 is the independent claim.

In the recent Office Action the Examiner rejected Claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner stated there was an inconsistency between the Markush recitation in Claim 13 and the specification at page 9, lines 16-17 which states the material may be “made of any suitable material such as wood or medium density fiber board.”(MDF). Although there is no inconsistency between the Markush claim language and the specification, in order to advance the prosecution of the application, Applicant has amended Claim 13 to recite “wood” and has added claim 17 to recite MDF. Applicant respectfully submits that Claims 13 and 17 meet the specific requirements of 35 U.S.C. § 112, second paragraph.

In the recent Office Action the Examiner rejected Claims 12, 13, and 15 under 35 U.S.C. § 102(b) as being anticipated by Kelly (6,216,395). Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly ('395).

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Applicant's claim 12 is directed to **the combination of a supplemental door trim 100 and door molding 120**. In order to further clarify this combination of structures, Claim 12 has been amended to recite that the base portion (160) is configured and sized to at least partly overlay the door molding 120. The Examiner's attention is directed to Fig. 3 and page 7, lines 15-19 for supporting disclosure.

In contradistinction to claim 12, the Kelly reference is directed to the combination of **a threshold protector 30 used to protect the door threshold 10**. The Examiner states that Fig. 2 of Kelly discloses the supplemental door trim being installed over the door molding. In actuality, Fig. 2 discloses a threshold protector 30 over a door threshold 10, the latter comprising a front edge 11, rear edge 12, a main step 16, a first minor step 17, a door step 18 and a second minor step 19. The door threshold is NOT A DOOR MOLDING and the threshold protector is NOT A DOOR TRIM. Claim 12 has been amended to clarify the combination of door trim and door molding by reciting that the base portion of the trim is configured and sized to at least partly overlay the door molding 120 (see Fig. 3 and page 7, lines 15-19).

Although the Examiner is permitted to give terms of a claim "the broadest reasonable interpretation" (*Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321, Fed. Cir. 2005), the Courts have consistently held that the interpretation must be reasonable, consistent with the interpretation that those skilled in the art would reach, and given their plain meaning (see MPEP §§ 2111 and 2111.01). In the instant claim, the door trim and door molding can not be construed and interpreted to mean a threshold protector and door

threshold; and rejected by a door threshold and threshold protector. The Kelly reference fails to meet the language of the claim and therefore can not be an anticipatory reference.

In regard to Claim 14, the Examiner concedes that the Kelly reference does not possess the setback of about 0.25" from the door molding. Applicant provides this setback for the reasons of providing an aesthetic blending into the door molding and to avoid clashes with the existing door hinges (page 6, lines 20-22 through page 7, lines 1-3). The reasons Kelly does not possess this structure nor would it have been obvious to provide it on Kelly is simple: Kelly's structure is directed to a threshold protector and provides an overhanging flange 31 (Fig. 2) that overhangs the front edge of the threshold.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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RJA: dht

Attachments: Petition for Extension of Time (3 months)
Check (\$510.00)